

COMMITTEE ON LANDS AND BUILDINGS

April 18, 2005

5:30 PM

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Roy, Gatsas, Osborne, Porter

Messrs.: R. MacKenzie, S. Tellier, K. McGinley, D. Beauchesne,
L. LaFreniere

Chairman Thibault addressed Item 3 of the agenda:

Communication from Bob MacKenzie, Director of Planning,
recommending the Board adopt additional environmental protection for the
Nature Preserve to be included in the Hackett Hill Master Plan, or request
MHRA implement this requirement in its regulations and procedures for the
development of Hackett Hill.

Robert MacKenzie, Planning Director, stated as the Board knows they approved the Master Plan for the Hackett Hill area. There are roughly 150 acres that will likely be developed for a corporate business park and other parks up there. It is adjacent to what the City set aside as a Nature Preserve, which now totals 600 acres. At one of the Aldermanic meetings there was a concern raised about the potential impact of any new development in that area as it might impact on the Nature Preserve. We did discuss that and I recommended that we should consider a 50' buffer where any development adjacent to the Nature Preserve, the project go to the Conservation Commission for their review and comment.

Alderman Roy moved to approve and refer this item to the full Board. Alderman Osborne duly seconded the motion.

Alderman Osborne asked Mr. MacKenzie is there going to be any blasting there. It is hard to tell now depending on what is going to happen I guess. I had someone call me wondering about blasting.

Mr. MacKenzie answered it is hard to tell now. It is possible and probably likely that portions of the area that have a lot of ledge down closer to the highway will require blasting but it will probably depend on the type of development that is

proposed up there. At this point I would have to say that it is somewhat likely that there will be blasting.

Alderman Gatsas asked the City Clerk what the motion was.

Deputy City Clerk Johnson replied I was going to clarify that. I have it as a motion to refer it on to the full Board but I was not sure if it was with the recommendation that they adopt the language that was provided. That was not clear in the motion.

Chairman Thibault asked is that what you want, Alderman Roy.

Alderman Roy answered yes.

Chairman Thibault called for a vote on the motion to adopt the additional language and include it in the Hackett Hill Master Plan. There being none opposed, the motion carried.

Chairman Thibault addressed Item 4 of the agenda:

Communication from Daniel Georges, Pastor of the Haitian Congregational Bible Church, Inc., inquiring of the availability of vacant parcels of land known as Map 0134, Lot 003; Map TPK3, Lot 0005(A); Map 0478, Lot 0008(A); Map 0516, Lot 0007; Map 0516, Lot 0008; and Map 0516, Lot 0009.

Deputy City Clerk Johnson stated I know the Board of Assessors has been having discussion on this although there is no physical report submitted by either Assessors or Tax. The Planning Department has recommended that the parcels not be considered available for disposition and outlined the reasons in their communication.

Chairman Thibault asked Steve Tellier to come forward and address the Committee.

Steve Tellier, Chairman, Board of Assessors stated I think Bob MacKenzie was pretty exact in his explanation. If you go down on the list, Map 0134, Lot 37 was allocated to MHRA; TPK 3, Lot 5A was consolidated with state owned land and it comes to pass that the City never even owned it so that is not listed. The other one on Candia Road according to Bob MacKenzie's report that is a buffer between an industrial and a residential area. The remaining three have wetlands on them and no actual road frontage. In your packet you have a couple of pictures that were

provided by Dave Beauchesne of the Planning Department. It is pretty self-explanatory. They are behind residential homes with no road frontage.

Alderman Osborne moved to receive and file. Alderman Porter duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

Chairman Thibault addressed Item 5 of the agenda:

Communication from Attorney Michael Kasten, on behalf of Steve and Anna Sacco, proposing to enter into a Boundary Line Agreement with the City for property located at West Shore Avenue and Bodwell Road abutting Crystal Lake.

Chairman Thibault stated I know that Alderman DeVries has some major questions on that and she asked me to table it pending her review of the project.

Alderman Osborne moved to table this item. Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

Chairman Thibault addressed Item 6 of the agenda:

Communication from Attorney Karen McGinley seeking approval of an Air Rights Lease from the City of Manchester to Catholic Medical Center granting the right to cross McGregor Street.

Karen McGinley, Devine, Millimet & Branch stated I represent Catholic Medical Center and its sister company Alliance Resources, which has pending before the Zoning Board of Adjustment and the Planning Board a project across the street from the hospital, which will be a medical office building and a parking garage. What is proposed is an aerial walkway from the medical office building to CMC to alleviate the traffic problem with pedestrians on McGregor Street. I believe the Aldermen received the plan. I do have extras.

Chairman Thibault stated that is in my ward and I know of the area. As a matter of fact I went to that building for tests the other day. Just to let the Committee know exactly what they are doing here they are going to build a catwalk across the road to alleviate some of the pedestrian traffic. I would certainly be 1000% in favor of it.

Atty. McGinley stated what we are seeking at this time is approval from the Committee and then referral to the full Board for approval, however, we not

expect a signature by the City until we have our approvals from the other boards. There is one blank in the lease that has to do with how high it needs to be and we need to get input from the Planning Board and the other departments in the City as to the height. The catwalk will be owned by Catholic Medical Center and there will be an easement to the office building and to the garage.

Alderman Osborne asked without getting out a magnifying glass, how far off the ground is the catwalk.

Atty. McGinley answered that is what we don't know yet. There is a blank in the lease for the height and the height will be determined according to the requirements of the Planning Board who I am sure will consult with Traffic and Highway. We will follow the requirements of the Planning Board. This lease, by the way, is the same lease as is used with Hampshire Plaza. It was sent to me by Tom Clark for revision for this purpose.

Alderman Osborne asked what about the liability insurance. I notice it has \$1 million. Do you think that is enough money today?

Atty. McGinley answered it can be increased at the City request. I am sure there is more coverage available from the hospital. That is what was in the lease with Hampshire Plaza so I left it there.

Alderman Osborne stated coming over the roadway like that if something catastrophic should happen and that should fall down on a couple of cars or whatever it might be you can run into quite a bit of money there.

Atty. McGinley responded I will consult with my client and when it is before the full Board I can give you an answer to that.

Alderman Gatsas stated obviously the air rights that are in the Hampshire Plaza certainly doesn't have the same kind of traffic that this catwalk would have. My concern is cranes...is there any reason that there could be large equipment needing to travel down that street?

Atty. McGinley responded there will obviously be a maximum height that any vehicle will be able to go under that. I do not know what that is and we will follow the recommendations or requirements of the Planning Board and the other departments of the City.

Alderman Gatsas asked why are we approving this before it goes to Planning.

Atty. McGinley answered because all of the traffic studies that are being done and presented to the Planning Board have assumed that this catwalk will be across McGregor Street and there will not be additional pedestrian traffic on McGregor Street. In fact, the boards have asked what the status is of the lease so we would like an approval contingent upon receipt of approval of the ZBA and Planning Boards of our actual development plan.

Alderman Gatsas stated I guess my other question would be if there are contingencies that the Planning Board makes that should be included in this lease is it your understanding that we would include them in this lease.

Atty. McGinley responded yes it is and that is why we were going to leave it unsigned. The only thing we have blank right now is the height but if there are other issues that the Planning Board requires of us we would put it in the lease.

Alderman Gatsas asked so the full Board would have another opportunity to review the final document.

Atty. McGinley answered what we would like to be able to do is only have the changes reviewed. If we go to the Zoning Board of Adjustment and the Planning Board relying upon the foot traffic going across this bridge and then we later lose that then we have to follow the process all over. Yes, we would expect that any changes that Atty. Clark deemed material would need to be reapproved by the full Board.

Deputy City Clerk Johnson stated I think in a situation like this if the Board wanted to proceed what it would do is approve it subject to Highway, Traffic, Planning and ZBA. That would not necessarily mean that a final document would come back to the Board because you have approved it and you would add Solicitor to that obviously but it would not necessarily mean that a document would come back to the Board because the Board needs to approve something if I understand it for it to go forward anyway unless you are going to do a conceptual approval in order for them to proceed through Zoning and Planning. Mr. MacKenzie might be able to speak to that more directly but I suspect they want something more solid than just a conceptual approval. You might want to ask Mr. MacKenzie.

Alderman Porter asked do we have any others in the City.

Alderman Gatsas answered the Hampshire Plaza.

Alderman Porter asked is there a minimum height Mr. MacKenzie.

Mr. MacKenzie answered I think there is typically a minimum height for railroad bridges. I think it is 14' 6" although again as Alderman Gatsas indicated this is a major roadway and the Highway Department in particular might require something slightly higher.

Atty. McGinley stated it is my understanding that it will be attached to the third floor of the building.

Chairman Thibault stated what I am looking for is how can we move this along right now to get them to that level and then have it come back to the full Board.

Atty. McGinley stated we are running up against a tight timeframe hopefully beginning construction before the beginning of the next winter season. We have applications before the Zoning Board and Planning Board pending. They are discussing having a joint meeting to go over the project. We would like to work simultaneously on this. I would ask that this at least be sent to the full Board for approval contingent upon the requirements of the two boards and the City departments.

Alderman Gatsas stated I am sure this Committee will be meeting before then.

Alderman Roy moved to approve the air rights lease between the City of Manchester and Catholic Medical Center subject to the departmental review and Planning Board approval and refer it to the full Board at its earliest convenience. Alderman Osborne duly seconded the motion.

Alderman Osborne stated I am getting back to the insurance thing again because that is bothering me. I would like to see that looked into with Harry Ntapolis if possible.

Atty. McGinley responded again that is what was in the lease with the Hampshire Plaza.

Chairman Thibault asked could you check with our Risk Manager to see what he is comfortable with.

Atty. McGinley answered I will.

Thomas Arnold, Deputy City Solicitor, stated I will take care of that.

Alderman Gatsas asked would that be consistent with a material change to the contract that this Committee or the full Board would have an opportunity to look at.

Atty. McGinley answered if we increased the insurance I would not expect that you would want to look at it. I would anticipate that it is going to be satisfactory with your Risk Manager.

Alderman Gatsas stated what the Risk Department may accept may be something different than the full Board.

Atty. McGinley asked when is your next meeting. Do you want to just put this off until your next meeting? The other issue that I have is the communications we have had with the Planning and Zoning Boards is that they would like this approved so they know that their review of the traffic study for the project will be appropriate and there will not be more pedestrians along McGregor Street.

Alderman Gatsas stated I don't have a problem approving it subject to it coming back to the full Board if there are any changes. Whether somebody accepts them as being approved by the Risk Manager or not we as a full Board should have that opportunity because basically it falls on our shoulders from the risk point of view.

Atty. McGinley stated what I would like to do it if the Committee accepts this is answer these questions for you and come back to this Committee at your next meeting. When would that be?

Chairman Thibault responded we could set a meeting almost any time.

Atty. McGinley stated and then we could have the full Board hear it and approve it subject to satisfaction of the requirements of the Planning Board and Zoning Board. The only variance that we have pending before the Zoning Board as it relates to the walkway is that it is within the front setback of the property.

Alderman Roy stated every member of this Committee sits on the full Board and with all due respect for Atty. McGinley I would rather see this have the next step forward. We have had a chance to review it and the City Solicitor was the one who sent her the contract. There are catwalks at Elliot Hospital and the Hampshire Tower building. This isn't recreating the wheel. It is a busier street but there are departments and regulations that cover that. None of us are experts in planning that I know of and we should be looking at letting them move to the next step. I do believe it needs a review but I do believe it needs to go to the full Board, which our members sit on.

Atty. McGinley stated I will have the answer on the insurance by that time.

Chairman Thibault called for a vote on the motion.

Alderman Gatsas asked what is the motion.

Deputy City Clerk Johnson responded I have the motion recorded at this point to approve the request subject to approval from Highway, Traffic, Planning, Solicitor, Risk and meeting any contingencies of the Planning Board and the Zoning Board. That is the recommendation to the full Board. My presumption in that motion would be that by the time this gets to the full Board we will have a contract that has already been through the review process internally within the departments and any changes probably will have been made by then because you are talking two weeks out.

Chairman Thibault stated and at the Board anyone who has a question can question it then correct.

Deputy City Clerk Johnson replied yes.

Alderman Osborne asked this air rights lease...the City is held harmless anyway right and if something should happen to this catwalk and it fell down or whatever might happen the City supposedly is held harmless.

Deputy Solicitor Arnold answered I believe it is.

Atty. McGinley stated I would be surprised if Catholic Medical Center has this insured for \$1 million. I am sure it will be more. It is not a problem to add the City as an additional insured under the insurance.

Alderman Osborne responded I am just trying to protect everybody involved here. I don't think \$1 million is enough myself for something that size going across a main thoroughfare like that. That is the only question I have in my mind.

Alderman Gatsas stated so the comment that the City Solicitor just made that we would be covered as a City is not something that you agree. If the liability was more than \$1 million the City may be at risk not that Catholic Medical Center would walk away from it but we could be at risk if the insurance didn't cover something over \$1 million even if it says in the contract that there is an indemnification agreement.

Atty. McGinley responded you would only be at risk so far as the Catholic Medical Center does not have the ability to claim it.

Chairman Thibault called for a vote on the motion to approve the request subject to approval from Highway, Traffic, Planning, Solicitor, Risk and meeting any

contingencies of the Planning Board and the Zoning Board and refer the lease to the full Board. There being none opposed, the motion carried.

Chairman Thibault addressed Item 7 of the agenda:

Communication from Louis Nixon, on behalf of Carol Gosselin and Bonita Kershaw, seeking an easement for access across the former NH Central Railroad bed to 534 and 526 Douglas Street.

Chairman Thibault stated this is in my ward. I know exactly what the problem is and I have been working on it for months. It seems that about 100 years ago the two houses on that side of the railroad track were given permission to hook up to water on Douglas Street, however, nothing formal has ever been done in writing. This past fall one of the water lines broke and we had to go through some major hassles in order to get a water line back in there. So they are looking for an easement here in case something ever happens again so we don't have to go through the problems we had this time. This is right across the railroad bed that will be eventually turned into a walk or bike path or whatever. I would like to have the Committee help me out and get this done.

Alderman Osborne asked Mr. Arnold what are your feelings on this.

Deputy Solicitor Arnold stated I just want to be sure that my recollection is correct. What we have here is a request. We do not have a proposed agreement so it is kind of hard to give an opinion at this time without knowing exactly what they are looking for as far as an easement.

Alderman Osborne asked should we get this drawn up first and then bring it back.

Chairman Thibault responded I have no problem with that.

Alderman Osborne moved to have a draft easement done up and brought back to the Committee. Alderman Porter duly seconded the motion.

Alderman Gatsas asked Mr. Arnold can you tell me...haven't we had other railroad bed easements and what has the position of this Committee been on those kinds of easements.

Deputy Solicitor Arnold answered there is presently in staff a policy or proposed policy concerning the use of this railbed. There have been a number of businesses that want various surface uses of the railroad bed and as you can see most of those are tabled pending the formulation of a...I should say finish formulating the policy with the latest comments that the Committee made at its last meeting. That is why

I stated that I am not sure what they are looking for here. Whether they are looking for a sub-surface easement or surface rights. Again, it is kind of hard to answer but yes there have been a number of requests. The policy as it was drafted and reviewed by the Committee last time basically provided that it is the City's position that it should not be used for anything but City recreational purposes and should not be put to private use except in exceptional circumstances.

Chairman Thibault asked how do we tell people that...the railroad must have given these people permission years ago to put that water line underneath the railroad bed. How do we tell them now that the line is there that they can't have it?

Deputy Solicitor Arnold answered I am not sure that I am proposing that. What I want to see is actually what kind of easement rights they want. If it is sub-surface rights then that is a little different from surface rights but I need to know exactly what they are looking for.

Chairman Thibault responded they are looking to service their water lines. Alderman Lopez do you have any information on that?

Alderman Lopez stated I talked to Frank Thomas and he is telling me that it is a common thing that happened years ago. Basically the water line goes over the parks land and the roadway is part of what the individual uses to drive up to his house so that is where the easement comes in. Frank Thomas tells me that it is common in areas out in that particular area. I am sure that the City Solicitor and Frank Thomas can work out a simple easement allowing the water line to go through there and the individual can use the roadway to get to his house.

Alderman Roy stated it seems like from the letter that we are holding up the process just based on our Solicitor's Office working with the potential buyer and setting up some language. I would rather see the motion be that we approve having the Solicitor's Office work out acceptable language and send it to the full Board for approval so it doesn't take another month or two.

Alderman Gatsas stated with all due respect this agenda is filled with those same kinds of situations that have been sitting here for six and seven and eight months and all of the sudden...my motion is that we put it on the table until we get the stuff in front of us. With all due respect to my colleague from Ward 1, why do we have these Committees if he wants to send everything to the full Board. I move that we take everything off the table and send it to the full Board and let them decide.

Alderman Porter asked is there an urgency that this be approved tonight.

Chairman Thibault answered I don't believe it is urgent now. We finally go the water line in.

Alderman Porter stated I would like to see the language from the Solicitor as well before we forward this to the Board. I don't envision that we are going to have major problems with this. Alderman Gatsas we have several here that are looking to purchase railroad land and that is different. Every case is slightly different. I think we have to take each one on its own merit but I would like to see the language come back to this Committee.

Deputy Solicitor Arnold stated just for clarification just so the Committee is aware and I am not suggesting that the Committee's action should be any different but Mr. Nixon did call me about a month ago. Apparently the present owner is trying to sell the house and they have a potential buyer. I just want to make the Committee aware of that. They do feel some time constraints on that basis.

Alderman Roy asked if I could speak to my colleague's comments the difference between what has been on the table and I don't necessarily agree with it being on the table is the fact that they are looking to purchase, not gain access to their property that just hasn't been documented in the title search.

Alderman Gatsas responded there were other railroad beds that people were looking to get access to and use of.

Chairman Thibault replied well we are going to be getting to that in a few minutes.

Chairman Thibault called for a vote on the motion to have the Solicitor's Office and the Highway Department come up with language for the easement and bring it back to the Committee. There being none opposed, the motion carried.

TABLED ITEMS

Alderman Osborne moved to remove all of the items from the table. Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition.

8. Discussion of area for dog park.

Deputy City Clerk Johnson stated the landfill has already been chosen as the site for the dog park. You may want to receive and file this.

Alderman Osborne moved to receive and file. Alderman Porter duly seconded the motion. Chairman Thibault called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition.

9. Use of Landfill area – NH Flying Tigers R/C Club, Inc.

Deputy City Clerk Johnson stated this regarding using the landfill for the NH Flying Tigers R/C Club. I think it was determined that we couldn't have both activities at the same time.

On motion of Alderman Porter, duly seconded by Alderman Roy it was voted to receive and file this item.

10. Communication from Urban Ponds Restoration Program relative to the Black Brook/Maxwell Pond Stream Restoration Proposal.

Alderman Roy stated this has been through two public hearings and has been on our agenda for quite awhile. I would like to move to approve taking down the dam with state expenses and rehabilitating that area and send that recommendation to the full Board.

Alderman Osborne duly seconded the motion. Chairman Thibault called for a vote. The motion failed with Aldermen Gatsas, Porter and Thibault duly recorded in opposition.

Alderman Gatsas moved to put the item back on the table. Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. The motion failed with Aldermen Roy, Porter and Thibault duly recorded in opposition.

Alderman Roy asked could we have someone from the Urban Ponds come up. I believe there is a summary sheet on what has been going on out there and what timeframes they need to work with.

Alderman Osborne asked what is Alderman Forest's...

Alderman Gatsas moved to send this item to the full Board.

Chairman Thibault stated Alderman Forest wants to keep the dam.

Alderman Gatsas moved to send the item to the full Board for a presentation. Alderman Osborne duly seconded the motion. Chairman Thibault called for a vote. The motion carried with Alderman Porter being duly recorded in opposition.

11. Request by Nicholas Bonardi to purchase a discontinued portion of So. Bedford Street at So. Commercial Street.

Mr. Tellier stated you have in your packet a report that was delivered to you from the Board of Assessors. Approximately 4,600 square feet on what will arguably become one of the high profile intersection areas with the Riverfront Park. The value that was placed on it was between \$17,300 and \$21,000. That is a value that we stand by. We are looking at some additional parking for his facility and signage and utility. It is a high profile area. Should this Committee wish to look at another value that is perfectly under the purview of this Committee, however, we were asked to provide a value for that amount of residual land that Mr. Bonardi made a request to purchase and that is our report.

Alderman Gatsas asked does this in any way infringe on Auto City's access.

Mr. Tellier answered not to my knowledge. It is a rounded end on the end of Mr. Bonardi's land. That is my understanding. Auto City's issues were different.

Alderman Gatsas replied well Auto City's issues have come back to the surface.

Mr. Tellier responded I really don't have any information on that. I am speaking on behalf of this particular piece of property here.

Alderman Osborne asked what figure do you feel comfortable with - \$20,000.

Mr. Tellier answered I feel the minimum bid is certainly appropriate and we are in the vicinity of \$17,000.

Alderman Osborne asked so we can take the middle and compromise to \$20,000.

Chairman Thibault answered well it is going to go out to bid right.

Mr. Tellier responded no not to my knowledge. This is a request that came in writing to this Committee. It directly abuts Mr. Bonardi's property and it has been the previous action of this Committee to give consideration to direct abutters.

Alderman Porter stated I think this is a piece just hanging there. I don't know how it would affect Lot 7, which I believe is Auto City. Isn't that Auto City? Lot 7A is Bonardi and Lot 7 is Blouin?

Mr. Tellier replied I believe so. Without having the map in front of me I believe so.

Alderman Porter moved to sell it to Mr. Bonardi for \$20,000 with the provision that he consolidate the piece with Lot 7A. Alderman Osborne duly seconded the motion.

Alderman Roy asked is there current information out there and I guess I am asking my colleagues this, that there are problems with the access off of Line Drive into Lot 7 or Auto City at this time.

Mr. Tellier replied just to answer what I know of on this particular spot, when they relocated the road directly affecting Mr. Bonardi's lot this was a rounded portion that...it only benefits him unless you wanted to sell it outright to a hot dog salesman or something and again you would have license issues. This would compliment Mr. Bonardi's lot. It would give him a little additional parking and possibly some signage but it is a pretty reasonable piece of change that we put on it for a value.

Alderman Roy responded with all due respect to Steve and that answer, I know where the piece is. I have a real nice map of it but I am wondering if anyone is aware of any problems that Lot 7 is having at Auto City. Any of my colleagues?

Alderman Gatsas replied well I would say if you haven't got the call you are the only Alderman that may not have gotten that call because I know that quite a few of them have.

Alderman Roy stated I have not.

Alderman Gatsas stated I have a question for Planning. What is the size of a parking space, a standard parking space?

David Beauchesne, Planning Department responded I am not sure. I don't handle the zoning issues in the Planning Department.

Alderman Gatsas asked the Building Department is it 9 x 18. It is 8 ½ x 18 ½.

Mr. Tellier stated that is 157 square feet.

Leon LaFreniere, Building Commissioner, stated for the record it is 8 ½ x 18 ½.

Alderman Gatsas asked Steve did you apply the income approach to this lot.

Mr. Tellier answered no. We actually went a lot further than that because we discussed with Highway how many spots they may...because of the odd shape of this, it is rounded and with setbacks and everything we were under the general

impression that this would allocate somewhere around three or four parking spaces, some extra signage and depending on its configuration...this is not going to give him a wealth of parking spaces contrary to what you may think because of its odd shape.

Alderman Gatsas asked where is the shape.

Alderman Roy stated I have a question for Leon regarding problems.

Mr. LaFreniere responded I can try. I think a definitive response might be better coming from the Highway Department but I am familiar with the situation. As the Committee is aware I am sure, Auto City gains frontage on the new street that was built to service the rear portion of the ballpark as well as the Chinburg property to the south and the initial road design as was constructed in the fields had a curb cut configuration that caused both Auto City and the Bonardi lot to have difficulty with getting truck traffic into their sites. That situation was the subject of a redesign and reconfiguration that has been installed in the fields. The base roadway is in. The curb is in place. I am not aware that there are continued problems there and I can say with some authority that this was a weekly topic of discussion at the organizational meetings for the ballpark that I attended over the course of the winter. As I said, I am not aware that there are continuing problems with the access, however, construction has not been completed in its entirety yet. The final paving is not in place and the final paving is not on the sidewalks but the curbs as they have been installed seem to function.

Alderman Lopez stated I have a comment. We went down to discontinue that particular area – the full Board of Mayor and Aldermen went down there on a bus to discontinue it and we told him to discontinue it and asked if he wanted to buy it and he sent a letter in here to buy it. That's it.

Alderman Gatsas asked was that the evening that we shut the lights off on the bus. I remember that evening.

Mr. Tellier stated if I might add very often these little spurts of land do get a pretty decent premium. Some of the land sales that we looked at were railroad land in the few instances that it was able to be purchased. We saw a per square foot value between \$4 and \$5/foot. That was an additional method that we used to calculate this. Additionally what comes out is we were looking at legal parking spaces and required areas of maneuvering. We certainly didn't calculate what his income might be if he packed them in like sardines because if we did that we would have to treat all of the other properties around our venues with that same sort of method so we looked at it in that venue.

Chairman Thibault called for a vote on the motion to sell the property to Mr. Bonardi for \$20,000 subject to consolidation with Lot 7A. There being none opposed, the motion carried.

12. Communication from Robert MacKenzie, Director of Planning, relative to the Blacksmith Shop on Second Street.

Alderman Gatsas moved to receive and file. Alderman Osborne duly seconded the motion.

Alderman Roy stated there is no sense in receiving and filing it if we requested the CIP Committee to review this. They may be looking for funding. They may be looking for it to be in the budget. I would move to put it back on the table.

Alderman Gatsas responded let's send it to CIP.

Chairman Thibault stated it is in CIP.

Alderman Gatsas replied no it isn't. Let's send it to them so they have it. That is why I said receive and file.

Alderman Roy stated receive and file and send it to CIP are two different motions.

Alderman Lopez stated being on the CIP Committee there are funds involved and I think the appropriate motion would be to receive and file it here until we find the funds.

Alderman Roy asked receive and file and not leave it up for discussion.

Alderman Lopez answered I meant table it. I'm sorry.

Alderman Osborne duly seconded the motion to table. Chairman Thibault called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition.

13. Communication from Attorney Peter Tamposi, on behalf of Richard Exline, requesting a modest lot line adjustment and the terminations of an access easement owned by the City.

Alderman Porter moved to receive and file. When we looked into this awhile ago there was also another abutter who was very interested in the same piece. Part of it is parks land and I don't think we should be doing anything with this. Alderman Roy duly seconded the motion.

Chairman Thibault called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition.

14. Land between Valley and Grove Streets previously owned by B&M Railroad.
15. Land at Belmont/Valley/Grove Streets formerly owned by B&M Railroad
16. Land at Maple/Somerville Streets formerly owned by B&M Railroad.

Mr. Tellier stated I think it would be appropriate to defer to Tom Arnold. My understanding is that there has been some work done outside of our purview. I took the liberty of writing several discussion points that I forwarded to the Solicitor's Office and Planning and Parks and I know they have been working on this. Perhaps the Solicitor's Office might have something more to say on it.

Alderman Porter stated I think the role of the Assessors I don't think is to advise this Committee on whether we should do something or not. I think they have given a report on the value. I think any other questions should not be directed to the Assessors but either Planning or the Solicitor, whichever would be the proper place to go. The Assessors have given us a value estimate and I think at this point there are other considerations other than...I don't think that the prime motivation in doing this or not doing this is the money received. It is whether it would be appropriate to do or not and that is out of the purview of the Assessors.

Chairman Thibault stated in talking to Parks they are not in favor of doing anything.

Alderman Osborne asked Mr. Arnold is there anything at all on this drawn up.

Deputy Solicitor Arnold answered as I alluded to earlier, there was a policy drafted and it was presented to this Committee. This Committee made comments that they wanted staff to develop a procedure for applications for use of this right-of-way. The policy made clear that it was the policy decision not to allow private use of this right-of-way except in exceptional circumstances. Staff was asked to come up with a procedure by which someone who thinks they have exceptional circumstances could apply and also staff was asked to come up with a method for valuing the use of the property for purpose of charging a fee. That was directed to Parks & Recreation, Planning and the City Clerk. I guess I got involved by happenstance when Jane Hills called me on behalf of one of the people who was interested in using the right-of-way. I have contacted various departments and

hopefully we will have a meeting next week in order to come up with the information or procedures that the Committee requested at its last meeting.

Alderman Osborne asked is anybody here from Planning. Mr. Beauchesne do you have any information on this?

Mr. Beauchesne answered I look forward to attending the meeting that the Solicitor's Office is attempting to set up. The only thing I would add is that in one case the owner of the property on both sides or one owner on both sides of the line actively blocked off the line and resodded and took out City owned ballasts, which are the wooden support structures on the line and disposed of them on their own accord and did a fair amount of work to improve it for their own uses and to keep anybody else out. So we do need to move along at some point and develop a policy. That is our general feeling. We think that we are moving toward a license issue for the most part to satisfy individual needs.

Alderman Osborne asked would the license be for \$1.

Mr. Beauchesne answered I suspect that that is not my bailiwick on what ought to be charged.

Alderman Osborne stated I think I spoke to this before. It is in my ward, the ones we are talking about here anyway and I think they did a very nice job there. They cleaned it up very nicely.

Mr. Beauchesne responded it is significantly cleaner and nicer.

Alderman Osborne stated it looks a lot better than it used to with a bunch of junk cars hanging on the railroad tracks and what have you and I think if we can come up with a license for \$1 that is fine but other than that I would receive and file this and let the private sector take its course as you might say. I can't see myself going out there and evaluating every piece of railroad track to every abutter...we have better things to do than that.

Mr. Beauchesne replied the problem is that the state has provided that right-of-way to us and one of the conditions is that it remain open to the public.

Alderman Osborne stated I have no problem with that. All I am saying is I think it should just be left alone period. I think we should just leave it the way it is. If somebody wants to fix it up and beautify it, that is all the better for us. Other than that, I move to receive and file.

Chairman Thibault stated well there is a problem with that. Once the City does take that over and starts tarring it or whatever...

Alderman Osborne interjected they all know this.

Chairman Thibault stated but there should probably be a policy on paper so they know exactly where they are at if something does happen.

Alderman Osborne responded ignorance of the law is not excuse.

Chairman Thibault stated I believe that the City Solicitor and the rest of these departments should get together and formalize a policy that they can use it but they cannot do anything permanent.

Alderman Osborne stated I think it is just a lot of work for the City and I don't think it is needed. It should be left alone. That is my opinion. If somebody wants to second my motion, fine. If not, we will leave it on the agenda.

Alderman Roy stated I would encourage the Solicitor's Office to get that meeting done. This has been on the agenda for quite awhile. I move to put items 14, 15 and 16 back on the table. Alderman Porter duly seconded the motion.

Alderman Gatsas stated this has been on the table since the 26th of 2004. That is a year.

Alderman Roy responded we can only ask the staff to get back to us. We have had everything from let it be for \$1 to let people fence it off and not enforce the building codes to eventually it will be rails and trails to tax it. We are bound by restrictions but we need to either enforce those restrictions or come up with a policy allowing us to use it.

Chairman Thibault called for a vote on the motion to table. The motion carried with Aldermen Gatsas and Osborne being duly recorded in opposition.

Alderman Porter stated in deference to Alderman DeVries who did have some information on Item 8 but due to a prior commitment was unable to be here when this issue came up I would like to offer her an opportunity to speak.

On motion of Alderman Porter, duly seconded by Alderman Roy it was voted to rediscuss Item 8.

Alderman DeVries stated just to give you a brief update, the dog park is certainly alive and well. We do need to come back for formal approval from this

Committee for use of areas at the landfill. The group that is organizing that is in the process of their formal filings for a non-profit status and that has been the hold up during the winter. What I would ask is that...we have meetings set-up for Thursday on this. What I would ask at this time is that you do leave this tabled so that when we come back with the formal layout you can then approve the use or...you could do it tonight if you feel comfortable without the formal layout before you approve the use of the landfill subject to the approval of the Highway Department and then the lease agreement, which will deal with liability issues, etc. will go through the Committee on Administration, which would be the normal process anyway.

Alderman Porter moved to approve the use of the property at the landfill subject to the approval of the Highway Department. Alderman Roy duly seconded the motion.

Alderman Gatsas stated someone has to make a motion for reconsideration.

On motion of Alderman Porter, duly seconded by Alderman Roy it was voted to reconsider Item 8.

Deputy City Clerk Johnson stated the motion on the floor now is to receive and file because you are back at a reconsideration of the original motion. That is the motion on the floor and you would call for a vote on that motion, which obviously the Committee would wish to vote no on if they want to proceed with the new motion.

Chairman Thibault called for a vote. The motion failed with Aldermen Roy, Gatsas, Osborne and Porter being duly recorded in opposition.

Deputy City Clerk Johnson stated for the record, Alderman DeVries, can you restate the motion for them.

Alderman DeVries stated I am asking that this Committee approve the use of the property subject to the terms laid out by the Highway Department.

Alderman Gatsas stated I would rather put this on the table until we see the terms.

Alderman DeVries replied that is fine by me also.

Alderman Gatsas moved to table. Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

Alderman Roy stated earlier this evening we laid on the table Item 5, which I believe is in Alderman DeVries' ward. Can she speak to having that on the table?

Alderman Gatsas replied those people just left.

Alderman DeVries stated I talked to them for a half an hour downstairs.

There being no further business, on motion of Alderman Porter, duly seconded by Alderman Roy it was voted to adjourn.

A True Record. Attest.

Clerk of Committee